



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/782,409

02/18/2004

Alan Eddleston

58290-36

4339

22504

7590

05/18/2006

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688

EXAMINER

POLLICOFF, STEVEN B

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 7/22/05.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second recessed connector panel surface" of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 is a duplicate of claim 4. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what Applicant means when stating that the connector panel is "secured inboard of and closes the first end." For examination purposes examiner will interpret the claim language to mean that the panel is attached to the body tube.

Claims 2,3,4,5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what "a reduced height removable lid" is as defined by Applicant in the above claims. For examination purposes examiner will interpret the claim language to mean that at least a portion of a lid has a height less than that of the tallest height of the case.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,8,10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Becklin (US Pat 3,482,895).

With respect to claims 1 and 8, Becklin discloses an equipment case comprising a body tube (Becklin Fig 1, reference number 10) having two ends, a connector panel secured to the body tube at a first end (at reference numbers 56 and 58), and a removable lid at at least one end (16), wherein a surface of the connector panel is recessed relative to an outer profile of the case and relative to the removable lid (see front face of panels 48a and 48b).

With respect to claim 10, Becklin discloses that that the case includes a plurality of feet (Fig 2 reference number 32) located on a bottom surface of the case, and a plurality of feet locators (34) positioned on a top surface of the case, each foot being shaped to nest within a respective foot locator, the feet and feet locators being arranged in a substantially identical pattern to facilitate stable stacking of one equipment case on another (column 2, lines 35-47).

With respect to claim 11, Becklin discloses that the case also includes a plurality of latches (Fig 1 reference number 26) for removably connecting each lid to the case.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Valles (US Pat 3,544,751).

With respect to claims 1,7 and 8, Valles discloses a case comprising a body tube (Valles Fig 2, reference number 8) having two ends, a connector panel (2) secured inboard to the body tube at a first end, closing the first end (at reference number 4), and a removable lid at at least one end (3), wherein a surface of the connector panel is recessed relative to an outer profile of the case and relative to the removable lid (Fig 1 generally).

With respect to claims 2,3 and 9, Valles discloses that the case has a reduced-height, removable lid on the first end, and the connector panel surface, permanently attached to the case, is recessed above or below the reduced-height lid.

Claims 1-6,8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Be (Pub No US 2002/0113386).

With respect to claims 1,8 and 9, Be discloses a case comprising a body tube (Be Fig 1, reference number 1) having two ends, a connector panel (Fig 8 surface at reference number 2) permanently secured to the body tube at a first end, and a removable lid (2) at at least one end, wherein a surface of the connector panel is recessed relative to an outer profile of the case and relative to the removable lid (Fig 2 reference number 104 projects out and over recessed control panel 2).

With respect to claims 2 and 3, Be discloses a reduced height removable lid (Fig 1 reference number 104) on the first end and the connector panel surface is recessed

above or below the reduced height lid (outer surface at reference number 2 recessed from portion 104).

With respect to claims 4,5 and 6, Be discloses a case having a full-height, removable lid on the other end (2') and a second recessed connector panel surface (outer surface at reference number 2' recessed from portion 104).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levin (US Pat 3,811,747) discloses a transport case with latches and nestable stacking features. Bradbury (US Pat 5,226,540) discloses a case with a recessed connector panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Pollicoff whose telephone number is (571)272-7818. The examiner can normally be reached on M-F: 7:30A.M.-4:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3728

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBP 5/15/06


JILA M. MOHANDESI
PRIMARY EXAMINER